

Approved by:

JULIA MCCORMICK

Special Assistant United States Attorney

Before:

THE HONORABLE MARTIN R. GOLDBERG

United States Magistrate Judge

Southern District of New York

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UNITED STATES OF AMERICA

-v-

JODY R. VAN METER Jr.

Defendant

MISDEMEANOR
COMPLAINT

Violation of
NYVTL 1192(3)
NYVTL 1180 (d)(1)

COUNTY OF OFFENSE:
ORANGE

-----X
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, ss.:

PAMELA MENDEZ, being duly sworn, deposes and says that she is a Court Liaison, assigned to the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about June 2, 2019, on the West Point Military Reservation, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, JODY R. VAN METER Jr., the defendant, unlawfully, knowingly, and willfully did operate a motor vehicle upon a public roadway while intoxicated, to wit, the defendant operated a motor vehicle on Stony Lonesome Road, West Point, New York, while under the influence of alcohol.

(New York State Vehicle & Traffic Law, Section 1192(3))

COUNT TWO

On or about June 2, 2019, on the West Point Military

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Reservation, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, JODY R. VAN METER Jr., the defendant, unlawfully, knowingly, and willfully did operate a motor vehicle in excess of the maximum posted speed limit to wit, the defendant operated a motor vehicle on Stony Lonesome Road at a speed of 35 MPH when the posted speed limit is 25 MPH.

(New York State Vehicle & Traffic Law, Section 1180(d)(1))

The basis for the deponent's knowledge and for the foregoing charges are, in part, as follows:

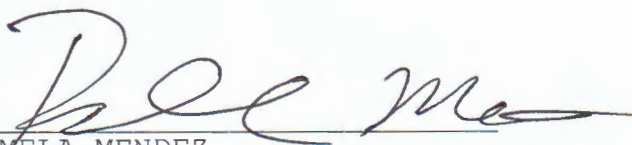
1. I am a Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. Upon information and belief, on or about June 2, 2019, at approximately 02:57 a.m., MP Officer, SPC Walker, was conducting speed enforcement on Stony Lonesome Road. SPC Walker observed a dark in color Honda CRV to be going at a high rate of speed down Stony Lonesome Road. SPC Walker confirmed with radar that vehicle was traveling 35 MPH in a 25 MPH zone. SPC Walker initiated a traffic stop on Stony Lonesome Road adjacent to Lusk Housing.
3. When SPC Walker approached the driver, later identified at the defendant, he could smell the odor of an alcoholic beverage coming from the vehicle. SPC Walker asked for his driver's license and registration. SPC Walker asked the defendant where he was coming from and the defendant stated New Windsor. SPC Walker asked if he had been drinking and the defendant said no but his wife had been. SPC Walker noticed the defendant's eyes were glassy and blood shot. SPC Walker also noted that while speaking to the defendant, the odor of an alcoholic beverage became obvious and stronger.
4. SPC Walker asked the defendant if he would mind conducting some Field Sobriety Tests outside the car. The defendant initially refused but then agreed to the tests after the consequences of refusing the tests was explained. SPC Walker then asked the defendant again if he had anything to drink because he could smell an odor of an alcoholic beverage. The defendant stated he had three beers earlier that evening.

5. Patrol supervisor, SGT Plazaola, arrived on scene to assist and was advised of the situation. The defendant was asked to step out of the car. The defendant was provided the instructions on how to complete the walk and turn. The defendant started the test prior to being told to start, stepped off the line, conducted the incorrect number of steps and missed heel to toe multiple times. Next test performed was the one leg stand. After having been read the instructions, the defendant attempted to perform the test and was swaying and counted incorrectly. SPC Walker then administered the portable breath test and the defendant blew a .10.

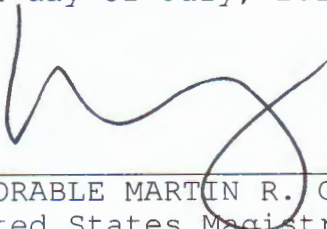
6. The defendant was then placed under arrest and taken to the station for processing. While at the station, the defendant was processed, and another breathalyzer was conducted on the data master machine. The defendant results at 05:09 a.m. where a .05.

7. The defendant was processed and issued a United States District Court Violation for Driving while Intoxicated (DCVN 8005957/SY10) and United States District Court Violation for Speeding in Excess (1-10 MPH) (DCVN 8005956/SY10).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.


PAMELA MENDEZ
Court Liaison

Sworn to before me this
19th day of July, 2019


HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York